

## SECTION 14 - IMPLEMENTATION OF NEPA

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## Synopsis

**NOTE:** This section is designed to provide guidance on the requirements of the National Environmental Policy Act (NEPA) as it impacts NWS National Weather Service (NWS) facilities or work site operations. The section applies to all NWS facilities and work sites.

### **Initial Implementation Requirements:**

- Compare Site/Facility Operations with the Requirements of this Section
  - Contact NWS Responsible Program Manager and/or NWS NEPA Coordinator to determine if the proposed action is deemed a categorical exclusion or require preparation of Environmental Assessment (EA)

### **Recurring and Annual Task Requirements:**

- Review new projects for applicability of NEPA

Implementation of NEPA Checklist	YES	NO	N/A
Is the facility planning a project that qualifies for a Categorical Exclusion or Environmental Assessment?	—	—	—

## SECTION 14 - IMPLEMENTATION OF NEPA

### 14.1 Purpose and Scope

This section provides guidance on the requirements of the National Environmental Policy Act (NEPA) as it impacts NWS facilities or work site operations. The section applies to all NWS facilities and work sites.

### 14.2 Definitions

<b>Categorical Exclusion (CE)</b>	An action that the Agency has determined will not have any significant environmental effect and hence will not require application of the full NEPA process.
<b>Environmental Assessment (EA)</b>	A document that determines whether a proposed or planned action will significantly affect the environment.
<b>Environmental Impact Statement (EIS)</b>	A detailed evaluation of a proposed action and its alternatives.
<b>Operating Unit</b>	Includes the National Centers for Environmental Prediction (NCEP), National Data Buoy Center (NDBC), NWS Training Center (NWSTC), National Reconditioning Center (NRC), National Logistics Support Center (NLSC), Radar Operations Center (ROC) or the Sterling Field Support Center (SFSC).
<b>Station Manager</b>	For the purpose of this procedure, the Station Manager shall be either the NWS Regional Director; NCEP Director; Directors of Centers under NCEP (Aviation Weather Center, NP6; Storm Prediction Center, NP7; Tropical Prediction Center, NP8, and Space Weather Prediction Center, NP9); Directors of the NDBC, NWSTC, and Chiefs of NRC, ROC and SFSC facilities; or Meteorologist in Charge (MIC), Hydrologist in Charge (HIC), or Official in Charge (OIC).

### 14.3 Acronyms Employed in This Section

CAA	Clean Air Act
CE	Categorical Exclusion
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
EA	Environmental Assessment

EIS	Environmental Impact Statement
ESA	Endangered Species Act
FONSI	Finding of No Significant Impact
MPRSA	Marine Protection, Research and Sanctuaries Act
NAO	NOAA Administrative Order
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOAA	National Oceanic & Atmospheric Administration
NWS	National Weather Service
NWSH	National Weather Service Headquarters
PPA	Pollution Prevention Act
ROD	Record of Decision
SECO	NOAA Safety and Environmental Compliance Office

## 14.4 Regulatory Requirements

### 14.4.1 Federal

Under the National Environmental Policy Act (NEPA), the EPA created a process that requires all Federal agencies to evaluate the historic, socioeconomic, and environmental consequences of “major actions” using a process that requires input from the public when environmental impacts could result. These regulations are found in 40 CFR Chapter V, Parts 1500 to 1517.

NEPA encompasses a wide variety of existing environmental legislation including, but not limited to the Clean Air Act (CAA), Clean Water Act (CWA), Coastal Zone Management Act (CZMA), National Historic Preservation Act (NHPA), Marine Protection, Research and Sanctuaries Act (MPRSA), Pollution Prevention Act (PPA), and the Endangered Species Act (ESA). NEPA directs Federal agencies to assess the environmental effects of a proposed Federal action and its alternatives on the human environment, consider any mitigation options of the proposed action, involve the public, and take the NEPA analysis, including public comments, into account in the process. Federal action is defined as an activity, such as a plan, project or program, which may be fully or partly funded, regulated, conducted, or approved by a Federal agency.

The NEPA review process could be required if an NWS facility or work site plans to:

- a. Construct, modify or rehabilitate a building or property
- b. Implement changes in facility site location or perform a significant redistribution of staff
- c. Make changes that will alter the prevailing land use

#### 14.4.2 State

Some States have enacted legislation that mirrors the Federal statutes. NWS facilities or work sites will need to contact the NWS Regional/Operating Unit Environmental/Safety Coordinator and/or the NWSH environmental and safety staff to determine the applicability of State requirements.

#### 14.4.3 NOAA Orders

The NOAA has promulgated new NOAA Administrative Order [NAO 216-6A, “Compliance with the National Environmental Policy Act, Executive Orders 12114, Environmental Effects Abroad of Major Federal Actions; 11988, Floodplain Management and 13690, Establishing a Federal Flood Risk Management Standard for Federal Projects and Funding; and 11990, Protection of Wetlands”](#) The NAO 216-6A became effective on April 22, 2016. Its [Companion Manual, “Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities”](#) was finalized by the NOAA Office of General Counsel (OGC), with effective date January 13, 2017. The NAO 216-6A and Companion Manual will be used by NOAA as the agency’s policy and procedures for compliance with NEPA, the CEQ Regulations, E.O.12114 Environmental Effects Abroad of Major Federal Actions (4 January 1979), E.O. 11988 Floodplain Management (24 May 1977), as amended, E.O. 11990 Protection of Wetlands (24 May 1977) as amended, and DAO 216-12 Environmental Effects Abroad of Major Federal Actions (10 March 1983). The NOAA OGC will be working, as requested, early and often with staff in NOAA Line and Staff Offices to identify how compliance with NAO 216-6A will be met.

### **14.5 The NEPA Process**

The NEPA evaluation process involves three levels of analysis:

- a. Categorical Exclusion determination
- b. Preparation of an EA and a finding of no significant impact or FONSI
- c. Preparation of an EIS

#### 14.5.1 Categorical Exclusion (CE)

CEs are found in Appendix E of the Companion Manual for Administrative Order 216-6A, which is available at this link:

<http://www.nepa.noaa.gov/docs/NOAA-NAO-216-6A-Companion-Manual-01132017.pdf>

Only CEs found in the NOAA Companion Manual can be applied to NWS activities. Actions must be considered as a whole and cannot be broken down into part that meet individual CEs. The action must also meet all of the conditions contained in the CE. Finally, the action must be evaluated for extraordinary circumstances to ensure effects on the human environment have been properly taken into account.

An NWS facility planning an action that is deemed to meet the requirements for a CE would have no further requirements under NEPA except to document the use of the CE via memorandum to the record and submit a copy to the NWSH environmental and safety staff.

#### 14.5.2 Environmental Assessment (EA)

For some new actions, NWS may have to prepare a written EA to determine whether the planned or proposed action would significantly affect the environment. The NWSH environmental and safety staff should be contacted prior to attempting to prepare the EA. The EA will provide sufficient evidence and analysis to support either Finding of No Significant Impact (FONSI) or the determination that an EIS will be required. Further information on EAs is available in the Companion Manual to a NAO 216-6A.

#### 14.5.3 Environmental Impact Statement (EIS)

The EIS is a detailed evaluation of the proposed action and its alternatives. The public, other agencies and other outside parties may provide input into the preparation of the EIS and then provide comments on the draft EIS. The NWSH environmental and safety staff will work with NOAA OGC to coordinate preparation of EIS, if necessary.

If an action is expected to affect the environment or be controversial, the agency may choose to skip preparation of the EA and just prepare the EIS. After the final EIS is prepared, the agency will then prepare a public record of decision (ROD) which describes how it addressed the findings of the EIS. Further information on EISs is available in the Companion Manual to a new NAO 216-6A.

### **14.6. Application to NWS**

While most routine NWS actions do not require scrutiny under the NEPA process, NWS Station Managers must be aware of this law's potential applicability, particularly to local changes in process or facility. Contact NWS Regional/Operating Unit Environmental/Safety Coordinator, and the NWSH environmental and safety staff if there is any doubt about the environmental impacts of a proposed action.

### **14.6 Responsibilities**

#### 14.6.1 NWSH

- a. The NWSH Environmental/Safety Office will provide assistance to Regional Headquarters, Operating Unit, and field personnel to ensure that NWS facilities comply with requirements of this section.
- b. NWSH will coordinate with SECO and NOAA OGC staff, as necessary, regarding compliance issues related to this section.

#### 14.6.2 Regional or Operating Unit Environmental/Safety Coordinator

- a. Will monitor and promote compliance with the requirements of this section at field offices or Operating Unit.

- b. Will ensure that procedures are implemented at regional headquarters or operating unit facilities to incorporate the NEPA process into the planning of “major actions.”

#### 14.6.3 Station Manager and NWS Program Managers

- a. Will have oversight over the implementation of this section and ensure that the requirements of this section are followed.
- b. Will ensure that NEPA review of proposed actions is performed early in the planning process and is coordinated with appropriate Regional and National Headquarters Program Offices and environmental/safety personnel
- c. Will review or delegate review of this section on an annual basis to ensure that the facility is complying with its requirements. Confirmation of this review will be forwarded to the Regional or Operating Unit Environmental/Safety Coordinator.
- d. Will ensure that the NEPA process is included early in the planning of “major actions.”

#### 14.6.4 Environmental or Environmental/Safety Focal Point or Designated Person

Will ensure that any tasks delegated to them by the Station Manager are implemented in accordance with the requirements of this section.

#### 14.6.5 Employees

- a. Individual employees affected by this section are required to read, understand, and comply with the requirements of this section.
- b. Report all violations of the requirements of this section to their supervisor or Safety Focal Point.

### 14.7. References

#### Incorporated References

NOAA Administrative Order NAO 216-6A	<a href="#"><u>Compliance with the National Environmental Policy Act, Executive Orders 12114, Environmental Effects Abroad of Major Federal Actions; 11988 and 13690, Floodplain Management; and 11990, Protection of Wetlands.</u></a>
NAO 216-6A Companion Manual	<a href="#"><u>Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities</u></a>